Summary of Responses on Additional Support for Learning Inquiry

The Education, Children and Young People Committee is undertaking an inquiry on Additional Support for Learning (ASL).

The Committee issued a call for views which asked questions around: the presumption of mainstreaming; the impact of the pandemic; and dispute resolution. This paper seeks to summarise the views expressed in the responses. The extent to which respondents directly addressed the questions varied. Therefore this paper does not seek to directly summarise responses to each question. This paper is also not intended to be a quantitative analysis of the responses nor is it an exhaustive review. Rather it is intended to support Members of the Committee to understand some of the main themes of these submissions which the Committee may seek to explore further in its inquiry.

Separately, the Committee wrote to all 32 local authorities with specific questions and these are summarised in another paper.

A number of respondents noted that some of the issues around providing support to pupils with complex additional support needs are long-standing and have been the subject of repeated reports. Most recently in September 2023 the Scottish Government published independent research into the ways pupils with complex additional support needs within Scotland are supported.

Implementation of the presumption of mainstreaming

A clear position from the majority of organisations was that the presumption of mainstream education is correct on a on a moral and philosophical level. However, often respondents suggested that there is a gap between policy intention and delivery.

One parent's submission said, "the presumption of mainstreaming is a wise one as this means less segregation and more acceptance of those with additional learning needs not only in school but beyond." She continued to say that in practice there has not been enough support for her child: "my child started P1 in August, he is still on half days only due to lack of funding, lack of classroom support and that is not GIRFEC."

The submission from the Children and Young People's Commissioner ("The Commissioner") stated—

> "The presumption of mainstreaming was and still is a positive step towards

> delivering on international human rights treaty obligations, and a step towards creating a more inclusive education system, community and nation.”

The Commissioner’s response noted that the policy in Scotland seeks to reflect a number of human rights conventions, including article 24 of the UN Convention on the Rights of People with Disabilities. The Commissioner cited the Committee on the Rights of People with Disabilities which has set out a list of kinds of barriers that disabled children face in accessing inclusive education. These were—

- Lack of knowledge about the nature and advantages of inclusive and quality education and diversity … in learning for all; …
- Lack of appropriate responses to support requirements, leading to misplaced fears and stereotypes that inclusion will cause a deterioration in the quality of education or otherwise have a negative impact on others;…
- Lack of political will, technical knowledge and capacity in implementing the right to inclusive education, including insufficient education of all teaching staff;
- Inappropriate and inadequate funding mechanisms to provide incentives and reasonable accommodations for the inclusion of students with disabilities…;
- Lack of legal remedies and mechanisms to claim redress for violations.

An educator said in their submission—

> “I have worked with ASL pupils for over 20 years in a specific ASL setting and I am now in a mainstream setting. I believe for ‘certain’ children the presumption of mainstream can only be made if there is a clear and robust support network for the children. Otherwise, they are being set up to fail and additional pressure is put on themselves/ parents/ the schools/ CAMHS.”

The Commissioner argued that while special schools or units may be used to meet children’s needs where they cannot be met in mainstream settings but that “the long-term policy aim should be towards the inclusion of all children in mainstream education”. The Commissioner quoted the UNCRPD General Comment 4 which said—

> “Inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and the environment that best corresponds to their requirements and preferences.
> “Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organization, curriculum and teaching and learning strategies, does not constitute inclusion.”

Salvesen Mindroom Centre said—

> “The benefit of the presumption of mainstream is that it adopts a rights-based approach. For those parents whose children had previously been viewed as having complex needs that went beyond the capacity of a mainstream school, it has been beneficial where it has been the desire of the child and their family

> for an education at the local school amongst peers. The presumption can add positively to the creation of an inclusive school community, where difference is fully accepted: this brings benefits for all of the children in school. The presumption has meant that families do not have to fight for the inclusion of their child in the catchment school, or parental choice school. The converse is also true, however - where children and families find the local mainstream school cannot provide adequate support it is more of a struggle to make the argument for specialist provision, even where this is clearly in the best interests of the child."

The Commission on School Reform's submission stated—

> "The presumption of mainstreaming was outlined in the Standards in Scotland's Schools, etc Act (2000). Prior to that landmark piece of educational legislation the presumption for many children, often arbitrarily labelled by terms such as "remedial" was exclusion from mainstream. It would be desperately disappointing if the fact that the policy has been inadequately resourced (especially since 2007) and badly implemented, was to result in a move away from one of the most progressive and morally laudable policies in the history of Scottish comprehensive education. The presumption to mainstream is a 'good thing' if we look at how many were denied access to education because they did not conform to conventional notions of 'normal'. … Without the presumption to mainstream such grotesque stereotypes may be afforded the opportunity to reassert themselves."

This view was echoed by Children in Scotland who said inclusive education "has wide-ranging benefits for all pupils and wider school communities, helping to create a more inclusive and accepting society". One educator told the Committee, "pupils are naturally very inclusive - signing, learning languages, physically and accommodating etc which is fantastic and they go through school but all pupils are not being supported". UNISON Scotland's submission stated—

> "Mainstreaming is a good policy if resourced, and this may be happening in some areas, but otherwise it can be unfair to all. Where it works well, there are undoubted positives and some members said that most children not needing additional support are on target educationally. One [Unison member] commented that "other pupils are very accepting of the pupils with ASL." Another said nursery children were learning to be more understanding, empathetic and how to treat others who may face challenges – a real positive."

AHDS' submission stated—

> "You would have to search for a long time to find a school leader/AHDS member who disagrees with the presumption of mainstreaming policy. However, virtually all would also agree that the policy has not been properly funded to meet its goals and as a result puts enormous strain on schools and can result in negative impacts for pupils with ASN and for their peers."

The Govan Law Centre’s submission stated—

> “The presumption of mainstream is rooted in sound ideology – inclusion matters. We echo the sentiment that all efforts should be made to ensure that a mainstream environment is inclusive for all children. Indeed, there are instances where meaningful accommodations have been made that enable children to achieve their potential in a mainstream setting – this is a success. That being said, both the amount of cases to appeal refused placing requests to a special school, and the number of enquiries that we receive regarding concerns about education, are increasing at an exponential rate – the figures speak for themselves – something is not working.”

EIS stated—

> “The presumption that, children and young people will be educated alongside their peers in their local schools, where appropriate, is sound. Special Schools and Special Units also have an important and valuable role to play, in more appropriately meeting the needs of pupils for whom mainstream provision may not be a suitable setting. *However, crucially, to be effective, both must be adequately resourced.*” (stress in original)

Barnardo’s Scotland suggested that “more attention needs to be given to the root causes of these additional needs [which] encompass a broad spectrum, some of which may have their roots in the impact of poverty or trauma.”
Moray Council said—

> “The presumption of mainstreaming does not currently work for the majority of pupils either with ASN or with no identified need. A mainstream environment does not meet the needs of some of our children with a high and complex level of need. The increase in neurodiversity and ADHD has resulted in the mainstream environment is under considerable pressure.”

The Scottish Secondary Teachers’ Association said that “it is difficult to meet the needs of all learners within mainstream classrooms”. It suggested that there can be positives and negatives for pupils who do not have significant ASN, it said—

> “Pupils who do not have ASNs being taught with those learners who do, benefit from a fuller and more representative experience of our society. Understanding one another better and caring for one another is a key aspect of our education system and the presumption of mainstreaming has increased opportunities for this to happen. This is a good starting point for learners without ASNs before they leave school and make their contributions to life and society beyond school whether that be in Scotland or further afield.
> “A drawback is that mainstream classrooms and curricula need to be purposed and resourced differently given the presumption of mainstreaming. Meeting a greater diversity of need means that resources must be made more general, broadened and less specific to the needs of learners without ASNs.”

One teacher, who is supportive of the policy intention, said in their submission—
> “As a teacher, I feel constantly guilty that the children without ASN receive

> hardly any of my time and attention in class as I have to work with children with ASN first as they do not have adequate support from PSAs and are unable to do anything without support. It is not fair on the children in the class who are keen to learn and deserve the support to flourish too."

Some parents or carers who responded to the Committee's call for views appear to have lost faith in the policy approach. One said—

> "Presumed mainstream education does not work for children with or without ASN at secondary level. There is a lack of money that prevents the children with ASN from being fully included. Much of "normal" school life is out of reach of these children due to bullying and the environment being poorly managed due to staffing issues. … I never wanted my child to go to a segregated school….but now I feel that this may have been a better idea."

The Committee received a submission from a team of researchers from the University of Glasgow involved in a research project with Newcastle and York Universities ("University of Glasgow Researchers"), exploring the experiences of disabled young people in the Glasgow City Region and the north-east of England. This is "longitudinal research with disabled young people (16-29), drawing on interviews and creative methods. We will also be speaking with parents/guardians and people involved in campaigning." On experiences in education and mainstreaming the submission stated—

> "Our findings suggest that the presumption of mainstreaming is not delivering successfully on inclusive education for pupils requiring additional support. Many of the participants had had very negative experiences with mainstream education. Bullying was common, reported by seven participants. In one case, an individual experienced an assault at school. Participants felt that they were bullied because of their disability; in one case an individual stated they were just seen as different and therefore bullied. Yet, being in an exclusively ASL environment did not always provide protection; Robert who was in an ASL school for both primary and high school stated "I got bullied, all the time at school and it wasn't a good experience. All of my whole life at school, I got bullied." For some of the participants who were educated in a mainstream environment, the experience could be considered traumatic; their body language physically changed when they recounted their experiences, as if they were reliving their pain. Mackenzie described his time at school saying: "I was bullied left, right, and centre due to the disability I've got." Rabbit, who has autism, left school at 15: "high school was a horrible, isolating, bullying experience where every other day, I was trying to check out early, if you know?""

The University of Glasgow Researchers concluded that, "the question of whether the presumption of mainstreaming should remain cannot be separated from questions about what is required to make that space one where disabled children and young people can be safe and flourish."

The Health and Education Chamber of the First-tier Tribunal for Scotland ("ASN Tribunal") considers (among other things) placing requests for specialist schools or units. The ASN Tribunal's submission commented on the legislation which it must interpret when making decisions in relation to placing requests. It said that the presumption of mainstreaming should not be ground for refusing a placing request to a specialist school and that there are sufficient legal grounds to refuse a placing request to a specialist school without needing a presumption of mainstreaming. It said—

> "An inclusive education for those who have additional needs would be best served by the removal of a bias in favour of a particular type of education. A bias of this type is the reverse of an inclusive approach."

Aberlour's submission said, "mainstream settings can provide positive and meaningful learning experiences for children who require additional support. However, in our experience this is exception rather than the rule." It said that good practice is when there is "effective partnership working between schools and third sector services supporting the child and their family" and where there is the necessary investment to "to deliver additional capacity to focus on children and families' wider needs". Aberlour also highlighted the practice of "Proactive Inclusion" which it described as "a trauma informed and responsive practice" – this is a whole-school approach and Aberlour said it can improve outcomes for the whole school community.

A theme from submissions is that there is a difference between a pupil being present in a mainstream setting and them receiving an inclusive education. A lack of inclusion when a child with significant needs is in a mainstream setting was highlighted by a number of other submissions. For example, Aberlour's submission said that families have commonly highlighted to it experiences of "isolation, lack of inclusion and inequality" and that reduced timetables are being utilised. UNISON Scotland's submission stated—

> "Feedback from our members' experiences shows that the presumption of mainstreaming is not working for most ASN pupils. It is often the case that support staff in primary schools are now allocated or timetabled to work on a one-to-one basis with pupils who require individual support. This support is given in corridors, isolated rooms or areas, (seclusion) with members feeling that the pupils have only occasional educational input from a teacher. Our members feel that the education of these secluded pupils is left to the support staff."

Enquire's submission stated—

> "We feel the key issues around additional support for learning in Scotland are not at their core about the presumption of mainstreaming. Based on our work with children, young people, their families and professionals, we firmly believe that, in most cases, issues that are related to the presumption of mainstreaming are symptomatic of broader challenges in the delivery of additional support for learning, rather than inherently being issues with the presumption of mainstreaming itself. We have some reservations that focussing on the implementation of the presumption of mainstreaming in this inquiry may not get to the root cause of some of the issues that children and

> young people with additional support needs are experiencing.
> "From what we hear through our services, we believe that some of the key factors in determining the success of a child's school placement are not necessarily whether it is a mainstream or specialist provision, but instead whether the child feels truly included, listened to and supported."

The need to improve transitions for children with complex ASN was an issue raised by several responses. A parent of a young child said—

> "My daughter is now in P1. Again the ASL Early Years team have been fantastic at supporting her to settle into P1. They have supported the teacher and PSA to adopt techniques to support her learning and concentration e.g. baskets of activities to support numeracy, use of symbols and boards and ideas for playground support. However, the Early Years Team finishes at Christmas and she will move to the Inclusion Team. As parents we have very little information about what support this will offer to my daughter. We are concerned that they will not know her very well and she will not be as supported as she was."

Resource issues

The NASUWT reported that a survey it had untaken with its members in February 2023 found that 35% of responses said that pupils with ASN receive the support to which they are entitled "rarely" and 3% said "never". The submission continued: "When asked to identify the key reasons why pupils did not always receive such support: 75% cited 'Long waiting lists for support'; 60% identified 'Cuts to external services mean that my school cannot access the necessary specialist support'; [and] 57% suggested 'Budgetary pressures mean specialist support is too expensive for my school to obtain'."

UNISON Scotland's submission stated that its members have been experiencing issues obtaining relatively low-cost resources such as coloured paper or colour overlays to support pupils.

The National Deaf Children's Society said that it was concerned that "for too many deaf children this vision of inclusive education is simply not a reality". It said that the policy intention is "undermined by the depletion of deaf educational specialists and the wider health and social care work force, who are vital in ensuring mainstream education is actually inclusive".

The EIS said that it is imperative to provide more resources to address the "chronic under-resourcing of ASL provision". It argued that this would reflect the growing number of pupils with identified needs and the growing complexity of those needs. EIS set out the increase of need across five areas—

- The number of Children and Young People with identified as having ASN
- More Mental Health Issues
- the Impact of the Pandemic
- the Impact of Poverty
- Violence and Aggression

One former teacher's response stated—

> "I stopped working with young people with ASN in 2020. I had over twenty-four years of experience as a Principal Teacher of ASN at that point. When I first came into the post, I had a total of two pupils on my list who has IEPs and FTE 4 teachers. By the time I retired I had responsibility for around one hundred pupils and had FTE 3 teaching staff to support these pupils."

A response from a High School stated that the current level of resource is making inclusive education challenging. It continued—

> "There is a significant impact on the experience of all young people in schools. This is because resources and limited, many of the strategies to support requires enhanced teacher interaction. This results in less time for other young people. Where needs are not fully met due to resources and professional expertise, there are increased episodes of distressed and challenging behaviour. These are distressing for other young people and time intensive for staff.
> "The expansion of school responsibility at the same time as a shrinking resource makes the situation challenging to get right."

Glasgow City Council's submission stated that "additional funding or a significant shift in resources from the specialist sector to mainstream establishments have been difficult to achieve". The Commission for School Reform stated—

> "For many the reality of the application of the presumption of mainstreaming has been that it was used, not to channel more resources into schools to enhance provision in the more appropriate mainstream setting, but to reduce specialist facilities. The overall level of support has been reduced under the guise of progress. While saying that, many schools have undertaken, at their own initiative and expense, very positive work to support the integration of young people with additional support needs into the full life of the school. Their experience is that the ways in which the presumption of mainstreaming has been implemented has led specialist provision being closed down or very significantly reduced. No doubt, the increasing financial pressures which exist locally will have encouraged the adoption of approaches such as this."

A number of submissions referenced "allocated hours", which appears to be a process used in some local authorities to determine the level of additional resource provided in classrooms. No submission explained how this allocation works in practice however.

Specialist provision

A probationer teacher reported that her colleagues had seen reductions in resource across a number of services: specialist ASL posts; ASL learning bases; community link workers; therapeutic services (e.g. art therapy); and community family support hubs. This echoed the EIS' submission which said—

> “Some children’s needs are best met when teachers can augment the support offered in the classroom with support from specialists such as English as an Additional Language (‘EAL’) teachers or Speech and Language Therapists. Under austerity budgeting, many of these services have experienced significant cuts. Members report increasing difficulty in referring children to the services they need to be fully engaged and involved in their education and even where they can access the service, the nature of the support has changed from direct engagement to one of consultancy for the class teacher. When direct support is offered, there can still be issues with accessibility, as some schools simply cannot afford the transport costs to take the young person to the service.”

The pressure across a range of specialist services was highlighted by a number of submissions. EIS’s submission stated that there has been “dramatically declining numbers of specialist staff and unsustainably large class sizes, leaving significant gaps in provision to be filled by class teachers.” A primary school teacher’s submission stated—

> “There is very little specialist support even for a pupil with a CSP. This support is given when requested and has limited impact on meeting the day to day needs of the learner. External agencies appear stretched and therefore leave the support to individual establishments to provide. There is no signposting, schools need to source their own training opportunities and avenues to develop support.”

A teacher from a different primary school stated that to make mainstreaming work there needs to be “specialised class teachers who have some Additional Support Needs training” along with better spaces and enough support staff.
Enable’s submission stated—

> “Many parents are concerned about continuity and consistency of support, and along with lack of access to specialist teaching support parents have also shared with Enable lack of access to other important supports. Many young people continue to face long waiting times not only to services such as CAMHS but also for support such as speech and language therapy. There continues to be a need for increased and more timely access to these important supports which are vital for the wellbeing of the pupil and inclusion in their educational setting.”

Access to CAHMS and the length of waiting lists was regularly mentioned by respondents. Govan Law Centre stated that it has seen delays in referrals and cases where there has been a three year wait for support, which undermines an early-intervention approach.

The Committee received a small number of submissions from representatives of professions outwith education. The Royal College of Occupational Therapists (RCOT) said that “too many children and young people with additional support needs are waiting too long for the occupational therapy they need to realise their potential and take part in the daily activities/routines (occupations) they need or want to do – at school, at home and elsewhere." RCOT called for an expansion of the occupational therapist workforce to meet demand. RCOT's submission also explained that OTs work with school staff to "promote environments, relationships and activities that foster the learning, development and wellbeing of all children and young people". RCOT reported concerns that "that pressures on schools mean children and young people aren't gaining the full benefit of occupational therapy whatever school they attend" due to "a reduction in the availability of teaching/learning support assistants" and in some cases insufficient funding to supply "equipment recommended by an OT, for example special seating or toilet aids."

The Royal College of Speech and Language Therapists said that services which "appear to be managing the need most effectively are: taking a whole system approach to service delivery; and have a threshold of resource to meet the need."

The Royal College of Speech and Language Therapists also noted that children's speech and language therapy receives core funding from both local authorities and health boards. It said that the "current model for funding speech and language therapy working with children and young people is complex, vulnerable to cuts and unlike any other comparable service in Scotland". It argued that "children's speech and language therapy should be jointly funded given how relevant the profession's work is to delivering on health and education outcomes." RCSLT said that there are high vacancy rates for Speech and Language Therapists.

Training and culture

The submission from the CPG on Children and Young People emphasised that "teachers need greater support to deliver inclusive education" and said there is "a desire for further training and also the need for resources to deliver high-level support". The CPG also said that school leaders "need training which has equity, inclusion and social justice at its heart to affect necessary culture changes in school settings".

The submission from University of Glasgow Researchers said that participants in their research project commonly said that "teachers, even some who were identified as providing ASL support, did not seem to have an understanding of their needs". Other themes were that there were low expectations for disabled pupils and that some schools were reluctant to make minor adjustments to dress codes to accommodate needs.

Aberlour said that its services often report that "children's needs fail to be met adequately due to a lack of knowledge, understanding or experience within mainstream schools" particularly when supporting children with challenging behaviours. One parent/carer's submission stated—

> "It is very much a lottery of getting your child into a school where staff are willing to learn about and understand a diagnosis like FASD and how it affects the child in the classroom. Thankfully, I found that primary school and worked in partnership to plan a successful transition to high school. I have great

> communication with the high school and presently his needs are being monitored and met successfully through a LPS and now an IEP. We have regular care plan meetings which involve his social worker."

The NASUWT's submission also indicated that some teachers did not feel supported in their role to support pupils' ASN. A submission from a primary school stated—

> "The presumption of mainstreaming has the potential to meet the needs of ASN learners. These needs cannot be met by the current system as the resource of people, time and specialist equipment is not sufficient. Staff training is limited and does not meet the needs of all learners. Furthermore within certain authorities, budgetary constraints prevent schools from purchasing the most appropriate training. The result of this is distressed pupils and distressed staff who do not feel upskilled in dealing with the multitude of needs within every classroom. This then leads to excessive pressure placed on senior leadership teams and impacts on the mental health of all staff involved. Current cover budgets are no longer sufficient to meet the aforementioned."

Salvesen Mindroom Centre suggested that "the Committee should consider if now is the time to stop characterising support for learning as 'additional' to mainstream school provision" and "these needs should somehow become integral, rather than individualised add-ons. Universal Design for Learning may provide a way forward." This reflects a key theme of the Morgan Review.

An individual teacher's submission suggested that she could get conflicting messages of what universal support should be put in place in a classroom to support the needs of two pupils in the same class. She continued, "the term 'universal support' is now being used as a scape goat to suggest that all the suggestions and strategies to help these children can be done singularly by the class teacher which then puts a completely unrealistic amount of work on one member of staff who will often have multiple children they are required to support completely independently without any addition help from outside agencies/SfL/PSAs".

The Commission for School Reform argued that "there have been significant inadequacies in staff development which limited the necessary change in professional attitudes and, crucially, the culture of many individual mainstream schools across the system."

AHDS said that its members would like to see "a national level information campaign which seeks to explain the presumption of mainstreaming policy to parents in an effort to reduce the stigma of children attending ASN and to reduce parental/carer complaints about the behaviour of pupils who are being supported to attend mainstream."

Plans

There are a range of planning mechanisms that Local Authorities may use to support children with ASN. The only statutory plan is the Co-ordinated Support Plan (CSP). The National Deaf Children's Society said—

> “Participation and transparency should be at the heart of making GIRFEC work for deaf children and their families, but all to often parents and deaf children tell us they aren’t given the information to make GIRFEC work. In particular, planning processes and the relationships between ASL plans including both IEP and CSPs, and the other plans such as health plans in the umbrella GIRFEC single child’s plan needs to be made much clearer.”

Local authorities identified the planning mechanisms as important for both supporting the identification of needs and the interventions to be put in place, but also supporting relationships with families.

Views on the planning mechanisms from individuals were mixed. One individual parent said—

> “We have a child’s plan meeting every 6 months. And my concerns are taken onboard. They do give him some support but not enough. I get there is only so much they can do with the staff they have.”

A teacher said—

> “In my experience, parents of children with ASN are very happy as their children get regular Child's Plan meetings, individual support and a personalised curriculum.”

Some parents/carers expressed frustration that what is included and agreed in a Child’s Plan is not delivered. One parent/carer said—

> “We have had endless child's plan meetings for the last 9 years but the teachers have historically never adhered to what has been discussed, agreed, and documented.”

An educator’s submission to committee—

> “I have worked with children for over thirty years. There used to be a very effective system where a multi-disciplinary team, including an Educational Psychologist and Clinical Psychologist worked with the child and their family to ensure their needs were met. I find that the present system for planning to meet children's needs, is over complicated, time consuming, disjointed and ineffective. We seem to be trying to fit children with additional needs into the provision we have, instead of providing provision which matches the needs of the children."

The physical environment

A theme in the responses was that the physical environment of mainstream schools is not appropriate for all pupils with ASN, particularly those with ASD. The National Autistic Society Scotland said—

> “One of the biggest barriers to attending school for autistic pupils is the social, and built, environment. … the built environment (for example, a large, open-

> plan school or classrooms) can adversely impact an autistic pupil's experiences. Most traditional school settings come with environmental challenges for autistic young people, from noisy canteens to busy corridors. In particular, the trend towards the 'super-schools' we now see across Scotland creates an environment that conflicts with sensory differences experienced by autistic people."

Govan Law Centre said that the physical environment can be a particular issue for children who are "neurodivergent with a particular sensory profile". The GLC said it is perplexed as to why there is a move towards schools becoming larger. It said, "there are far too many children who are unable to access the physical environment of a school causing them to disengage from there education and indeed withdrawing socially from those around them - this must be looked at as a matter of urgency."

A submission from Dr Hannah Grainger Clemson outlined research she has undertaken on physical spaces in education settings in Edinburgh. She said, "research at different settings (Early Years, Primary, Secondary, Special) in Edinburgh details the various architectural features, décor, furniture and other resources that have had a positive impact on children with additional support needs in mainstream settings."

Identification of needs

Moray Council set out how needs are assessed in its area. It said—

> "The needs were recognised initially through various different ways:
>
> - 0-5 - this is normally identified through health teams, HV checks and increasingly through our early year's teams.
> - Primary - needs are identified through staged intervention process aligned with child's planning
> - Secondary - transition from primary processes identify need
> - Can be identified through admission request from another area however this can be problematic when a child has been assessed in a different environment and context.
> - Some families opt for private assessment and this challenges our local systems and practice which is not always aligned."

Moray Council also said that while there is "sometimes a delay in formal medical diagnosis due to waiting lists and increased demand", a "staged intervention process support is often already in place as schools are identifying the need in the absence of a diagnosis". It commented that parents can view medical diagnoses as opening doors to further support when it is already in place.

The National Autistic Society Scotland reported that one of its members had told it that support for children "always had to be sought, it was never offered." Some of the individual submissions from parents/carers reflected this and expressed frustration at the processes required for needs to be identified (or diagnosed). For example one parent said—

> "My child's additional support needs were not recognised nor identified for over

> 5 years despite numerous requests to the mainstream school to assess and support my child. …. Before a formal diagnosis no reasonable adjustments were put in place. …
> “I asked for my child to be referred to Speech and Language – they didn't do it despite saying they would. … It took 10 months to get them to do this. I asked for an OT referral on a number of occasions. … Every support my child has, has been due to a fight to get school to do anything. They have never offered support or made a suggestion of any support they could do. It is a constant battle, every day.”

An educator said—

> “Some children come into school with a formal diagnosis in place and in most cases some support is provided particularly if the child is a flight risk, aggressive or has a range of conditions requiring personal support. However, I have also seen children who are diagnosed as ASD get very little extra support because they are amiable and not deemed a risk or at risk. Where a child starts school with no diagnosis, it can take a long time (about 3 years) to get a formal diagnosis made. Where I work provision/support will still be given to undiagnosed children if they are struggling in the mainstream setting.”

Another educator stated—

> “It is often staff in school who identify additional needs - and signpost for assessment from other professionals when needed. There are long waiting lists for these assessments - sometimes up to 3 years. That said schools do not wait for a diagnosis - a need is a need whether it comes with a label or not and schools strive to meet children’s needs as they arise.”

Salvesen Mindroom Centre’s submission reported that, contrary to the ASL Act, in some cases education authorities are waiting for formal diagnoses before putting support in place.

EIS’ submission stated—

> “Not all additional support needs are medical or diagnosable in nature, but many are. In those cases, early diagnosis is helpful. The current lengthy delays between referral, diagnosis and receipt of post-diagnostic support, highlighted above and caused in part by the shortage in Child and Adolescent Mental Health Service (CAMHS) and Educational Psychology Services, are unhelpful to the child or young person, their family and teachers and school staff.”

UNISON Scoltand’s submission said that its members have reported “long delays in receiving support and diagnosis because of the magnitude of additional support needs”. It continued—

> “Often early years staff help to pick up on signs of autism or other delayed development, sometimes having to raise this with parents. However, resources are a huge factor and meantime the child’s needs are not being

> properly met, sometimes with impact on others. Delays of a year and often more is a huge amount of time in that child's life to wait for assessment and diagnosis and support being put in place."

AHDS said that its members report that "pupils with known additional needs (moving from ELC to primary) are often placed in mainstream without adequate support and need to be seen to fail in that environment before alternative placements are considered."

The Scottish Network for Able Pupils said that schools can be reluctant to identify pupils has being very able and to put in appropriate support. The National Carer Organisations said that young carers are not always identified by schools in the context of ASL. The NCO noted that the Government estimates that there are around 30,000 young carers but only around 5,000 are identified on SEEMiS. Dyslexia Science's submission suggested that the system is based on a "fallacy … that the system is 'needs' led, and that a child does not need a diagnosis before they receive 'support'". Dyslexia Science argued for a more medicalised model of identification.

Forces Children Scotland's submission said that children and young people from armed forces families can attend a number of schools across the UK. It noted—

> "Additional Support for Learning legislation is different between England and Scotland. This can cause delays in children receiving support when they move between the two nations. The process is also different with children and young people in England needing a diagnosis, but this is not the case in Scotland. Some families have also reported that they also need to be reassessed upon moving which may cause delays to the support their children receive."

ASN schools or units

Glasgow City Council said that in mainstream settings "parents and staff are often left with the impression that children with additional needs are better served 'elsewhere'". Salvesen Mindroom Centre's submission set out some of the positives and negatives of specialist schools or units it had observed. Some positives included: the daily routine and structure better suited some pupils; small groups and 1-to-1 support is more likely; and that there appears to be better access to health professionals for those settings. Some negatives identified included: options for post-school transitions; high staff turnover and absence; and lack of a consistent national curriculum.

A teacher in specialist provision told the Committee—

> "We are very fortunate that we are able to meet many needs for those pupils in our setting. We focus on supporting communication needs such as ASD, Asperger's, ADHD and now emotional and social needs. We are a nurture school with a nurturing approach, and firmly believe in establishing trusting and safe relationships with learners, before we focus on attainment. We use many resources, IT, personal curriculums and tailor experiences to meet individual pupils' needs. We also work alongside our mainstream peers and are able to plan, deliver, assess and evaluate our curriculum delivery so that

> we are aware of best practice.”

The RNIB’s submission said that it “believes that meaningful choice should be available for parents/carers of children and young people with vision impairment. Children and young people with vision impairment require input from specialists such as Qualified Teachers of children and young people with Vision Impairments (QTVIs) and Habilitation Specialists to fully access the Curriculum for Excellence.” RNIB called on the Scottish Government to “implement a clear, fully funded strategy to ensure appropriate access to habilitation services for children and young people with [visual impairment] across Scotland.”

The submission from University of Glasgow Researchers said that for participants in their research, “most experiences of exclusively specialist settings were positive … specialist environments meant smaller classrooms and a quieter, more customised educational experience.” Aberlour’s submission said that “environmental needs can often best be met for children with additional learning needs within specialist provision”.

EIS’ submission noted that there has been a reduction of special schools in recent years, from 141 settings in 2016 to 109 in 2022. It said that some of its branches have “highlighted the impact which the reduction in the number of special schools and support-based units in mainstream settings is having on the delivery of inclusive education for children and young people who are now having to spend significant periods of time in mainstream without the support they were previously getting.”

Enquire’s submission said that “many still see a hard line between ‘mainstream’ and ‘specialist’ provision, and the presumption of mainstreaming legislation seems set up with this clear division in mind. In reality, this has become more and more blurred.” ASL units, bases or hubs in mainstream schools are more common. Enquire noted that the interpretation section of the 2004 Act which includes ASL units as part of the definition of a special school. This can lead to complexity when considering the legal position around, for example, placing requests. Enquire said—

> “Using [the legal] definition, some of the [ASL units] are legally special schools. However, some would not meet this definition, for example if a pupil would not need to be ‘selected for attendance’ at the unit, but rather has access to it by nature of being a pupil at the mainstream school which has the unit on site.
>
> “This leaves complicated scenarios to unpick when considering the legislation on the presumption of mainstreaming, and on other legislation that it interacts with, such as the provisions on placing requests for pupils with additional support needs. … There are differences in the ways that such units are established and operated across local authority areas. Each may draw different conclusions in how they are legally defined.”

One parent/carer told the Committee—

> “In our area there is no special school. Therefore no choice for parents. My daughter absolutely meets the criteria for a special school and we feel let down completely that this isn’t even an option for us.”

Gaelic

Sabhal Mòr Ostaig’s submission said that many GME pupils do not have Gaelic spoken at home “it could be said that all pupils in this situation have additional support needs”. It said that there is a particular lack of ASL specialists (including for example Educational Psychologists) and “no bespoke Dyslexia screening programme for children” in GME.

The Bòrd na Gàidhlig’s submission said—

> “Identifying whether a child requires additional support for learning or whether they require more exposure to the Gaelic language so that they can develop fluent, confident usage can be complex in GME. Competence in English and Gaelic may be different depending on the child’s wider experiences and developmental stage. Consequently, what may appear to be a concern relating to Gaelic fluency can often simply be a particular stage in the child’s journey towards confident bilingualism.”

Rurality

Sabhal Mòr Ostaig’s submission said that there can be particular challenges in supporting complex needs in smaller rural schools. It said—

> “In many rural areas pupils with extremely complex needs attend 'mainstream' schools in their communities where specialist educational infrastructure is not available. These schools are often small and almost always under-resourced themselves in terms of both staffing and facilities. As a result of this, pupils with complex needs sometimes have to stay off school as there is not adequate PSA support available to keep them safe. Such situations are both inequitable and disruptive.”

Clarity

Some submissions argued that there should be greater clarity around the presumption of mainstreaming. The Commission for School Reform stated that the current broad definition of ASN has “placed an enormous weight of expectation on the school system to deliver individualised and targeted support to an ever-growing cohort of pupils” and “a more focused definition of the cohort we are referring to would be helpful for policy formulation”. It continued—

> “There is also a need for greater clarity in relation to the circumstances which might lead to it being concluded that the education of a young person with additional support needs would best be undertaken in a setting other than mainstream and there is also a need for a review to be undertaken of the scale and range of non-mainstream provision which exists currently so that future capital funding and staff recruitment needs in relation to legitimately-required non-mainstream provision can be identified and secured in future budget decisions both nationally and locally.”

Professor Mel Ainscow provided the Committee with a copy of a recent paper on inclusion and equity. He argued that these terms can be interpreted differently and that it is important to have a shared understanding of these concepts “particularly in schools, where everybody is so busy”.

The National Deaf Children's Society noted that there are a range of policies and frameworks intended to support the wellbeing for deaf pupils, however, “without clear guidance about how these frameworks and policies should work together, and without adequate resourcing of early support, the benefits of progress in effective identification of deafness will be lost.”

Curriculum and celebrating success

Some submissions argued that too much focus is placed on formal academic achievement within school education and this can overshadow the achievements of pupils with ASN. The Commissioner’s submission stated—

> “For the presumption of mainstreaming and inclusion of children and young people with additional support needs to be successful and overcome the barriers identified there must be alternative systems for assessing, recognising and celebrating the success of all learners. These needs to include alternative methods of assessment for those sitting mainstream qualifications and also alternate methods of supporting the achievements of students outwith traditional academia.”

Impact of COVID-19 on additional support for learning

Many responses highlighted lasting effects in relation to mental health and wellbeing and social and emotional issues. Increased need in relation to speech and language and changing relationships between schools and parents/carers and other services were also themes.

Barnardo’s submission stated, “feedback from Barnardo’s frontline services has been that the social isolation and subsequent impact of lockdowns has led to increasing need within schools.” It also said, “one of the biggest impacts of COVID witnessed by Barnardo’s frontline practitioners is the impact on school staff and teachers”.

Stirling Council’s submission reported that since the pandemic there has been—

> “Increased complexity of children's needs - with increased levels of dysregulation and distressed behaviours being observed in educational settings; increased number of incidents being reported by education staff as a result of verbal and/or physical aggression (majority of which are linked to low level disruption and less related to violence linked to injury); impact on children's speech, language and communication skills with delays in developmental milestones; decline in school attendance rates - more chronic school based avoidance e.g. for some young people with neurodevelopmental needs such as autism; increasing demand for mental health and wellbeing supports such as access to Kooth, our online digital mental health service, and

> our own school counselling service."

A teacher from a primary school observed that there are "significantly more anxious parents and anxious children". A response from a high school said—

> "Families have a different relationship with schools and more likely to challenge the school. There is less trust in the professional views of staff. Families and young people are less resilient."

A few respondents were less sure that the pandemic has had a great impact, suggesting that these issues were pre-existing or due to a range of factors.

Attendance

The Commissioner's response stated—

> "Recent reports highlight that attendance rates across all schools are lower than they were pre-covid. Attendance rates for pupils with additional support needs are lower than for those without (87.5% compared with 91.6%) with the gap particularly noticeable at secondary school (84.9% compared with 89.6%)."

The Commissioner noted that Government guidance states, "schools should recognise that poor attendance can often be related to, or be an indication of, an additional support need and they should use their staged intervention processes to ensure that any barriers to learning are identified and appropriate support is provided."

Moray Council reported that the pandemic has led to a "general increase in social anxiety [and] emotionally based school avoidance". It said that there can be a "perception that attending school is not the norm".

The submission from the Cyrenians stated—

> "Almost 4 years on from the first lockdown and at here at Cyrenians, we are seeing the impact, with an increase in 16-year-old school leavers with additional support needs who did not fully transition into secondary education. We have a number of young people of school age, who have never ever returned to school or any education since the initial lockdowns took place."

Aberlour said that its services have reported that "school readiness remains a significant issue for many children" with ASN. A parent/carer's submission stated that her daughter who has Autism, "had such severe anxiety that, after lockdown, she was unable to go to school. Up until the last year, school were unwilling or unable to support her meaning she was not being educated at all."

Other services

A number of submissions have highlighted the pressure on certain services has increased since the pandemic e.g. CAHMS. Cyrenians suggested that the result of the pandemic had placed even greater stress on CAMHS. It said that the service is now at “breaking point” and reported that “many families have said their children have been waiting for over 2 years to receive an assessment”. A response from a high school said that thresholds for other professionals providing support are increasing. An individual response from a clinical psychologist working in CAMHS said—

> “The pandemic has led to a huge increase in the demand for neurodevelopmental assessments in CAMHS in Lothian. This far outstrips the capacity of the service to meet that demand, as there have also been significant increases in demand for mental health treatment, particularly for eating disorders which has to be the service priority where there isn't enough capacity to cover all needs. Consequently waiting times are 3 years approximately in Lothian at present. This means schools are being asked to provide support on the basis of need not diagnosis which is in line with GIRFEC but can be difficult for those families where able children are masking their difficulties in school and appear not to need help there but then manifest significant emotional and behavioural issues at home, impacting both child and parent mental health.”

The Royal College of Speech and Language Therapists said—

> “The clearest indicator of the impact of the pandemic on meeting the communication needs of children and young people has been the increased waiting times for speech and language therapy.
> “Recent FOI data highlights the key challenges in waiting times for speech and language therapy in Scotland. A snapshot from May 2023 showed:
> - 6503 children waiting for speech and language therapy in Scotland
> - The average longest wait for initial contact is 1 year 1 month
> - The average longest wait for individualised therapy – 1 year 5 months
> - The longest wait in Scotland is over four years This wait has worsened over the last five years:
> - The average longest wait for initial contact has increased in the last five years by 7.6 months
> - The average longest wait for individualised therapy has increased in the last five years by 10.2 months
>
> “It’s important to note the impact of these waiting times on children. What may seem an inconveniently long wait for an adult can have lifelong implications for a child in a crucial speech and language development window.”

New ways of learning

In terms of how well local authorities are adjusting to meet the changed needs following the pandemic, Children in Scotland’s submission stated, “from the evidence we have seen, it is clear that local authorities and schools have been making adjustments to meet the changing needs of children and young people, with varying success.” The EIS said recovery from the pandemic requires significant investment

"not the 'business as usual' approach which we quickly saw emerge."
The National Autistic Society Scotland said—

> "While lots of autistic children and young people struggled with school closures, others, however, benefitted, which shows that a problem is often an environmental one rather than academics. These autistic young people found that having online-based teaching better suited them. … We are, however, sceptical there has been sufficient learning from that experience, or that remote learning is being utilised to the extent it is needed. There is a need to learn from and embed the online learning practices that were helpful for lots of autistic young people who found it very hard to attend school pre-2020."

Aberlour said that the pandemic provided an "unexpected positive impact" on the learning for some of the children in its residential houses. They were able to offer a more "relaxed and, programme of learning" which suited the needs of those children. However, Aberlour said it has seen "little evidence of the positive aspects of home learning and experiential learning supported during the pandemic that benefitted some of our most traumatised children and young people being embedded within education provision since." One parent told the Committee—

> "Covid was the best thing that happened to my son's education. It was the first time he could be supported on a 1-1 basis at home. He was given a record of content covered via Glow, one of his agreed supports never provided before and he could work at his own pace."

Glasgow City Council reported that practitioners are increasingly finding creative responses to the challenges they are facing. Salvesen Mindroom Centre's submission reported that for some pupils the continued use of "digital platforms such as Teams has been really useful".

Moray Council said that one of the benefits of the pandemic was improved partnership work with families, although this had since reduced.

One educator's submission said—

> "The main focus when we returned was on identifying gaps in learning and planning how we would implement 'catch up' programmes of work. … I think much more should have been done to address the wellbeing needs of the young people and staff. Throughout the pandemic this was a key feature of staff meetings/lessons/check-ins etc but as soon as schools went back full-time (and the inspection process restarted) the attainment agenda was back at the top."

The use of remedies as set out in the Act

Responses varied on this theme. Some focused on parental engagement and involvement more broadly. Of the statutory remedies, the tribunal was referenced the most.

Parental involvement and engagement

EIS' submission stated—

> "The opportunity for parents, carers and young people to engage in planning processes around the provision of ASL is a key feature of GIRFEC policy. Child planning meetings are now well embedded in educational practice and allow all those supporting the child to meet and plan for future provision … Parents, carers and young people may be involved in the discussions but if there is a lack of resourcing to support the identified intervention, then this can add to their anxiety, frustration and distress."

The CPG on Children and Young People said that it is important that "decision-makers recognise that education takes place beyond formal education settings" and that engagement and support of parents and carers could be improved. Connect's submission said—

> "There needs to be a culture change, so children are valued equally and their parents' role as advocates are valued and respected. Parents are the leaders in their child's learning and must be supported in this role."

One educator told the Committee—

> "Processes for partnership with parents are very clearly set out in the local authority with excellent guidance for staff and parents on the relevant websites. Parents are included as a vital part of the team. Local authorities need support in managing the expectation and unrealistic demands of parents who are asking for a service that due to 'efficiencies' no longer exists."

Salvesen Mindroom Centre's submission said that there is "variable practice across, and even within, local authorities" in relation to including families and learners in decision-making. Enquire's response stated that it is important that schools and local authorities provide clear and timely information for parents. It also noted that there can be particular pressures around communication at transition points. Salvesen Mindroom Centre's submission stated—

> "We continually observe that, once effective two-way communication between home and school is established or improved, then the child's experience of, and engagement with, school is transformed."

Govan Law Centre said that including parents/carers and young people in decisions around additional support is essential. It said that local authorities do include families in planning processes, but while "parent's views are noted, parents do not always feel that they are heard". It suggested that the way in which information is presented in these processes could be clearer. GLC also suggested that there could be better communication; it said that it is "not typical for educational psychologists to speak with parents prior to giving recommendations on how to best support the young person in education [which] leaves parents feeling like a stranger who has no understanding of their child is telling them what is best." GLC also said that it was finding that schools were not escalating cases to the central teams at the local authority, it said it is “concerned about a culture in education which is preventing teachers and school senior management from asking for help and support from the ASN team within the authority.”

The Tribunal

A theme from some local authorities has been the view that the ASN Tribunal can contribute to an adversarial relationship between the local authority and their staff and parents/carers. For example, Glasgow City Council’s submission stated—

> “Tribunal process can be perceived as adversarial at times by the Local Authority. It is extremely time consuming and stressful for families, officers and practitioners. Professionals and families can leave the process with fractured and unhelpful, working relationships. Partnership working beyond Tribunal is essential to ensure we keep children’s needs at the centre.
>
> “The Tribunal process could perhaps benefit from processes which would allow the revisiting of outcomes and impact on children, families and local authority staff to improve partnership working and support earlier resolution of conflicts.”

Enable’s submission said it is important “that there is an awareness of the right to advocacy for those parents and young people taking cases to an Additional Support Needs Tribunal, but also that further action is taken to ensure these often stressful processes can be avoided through positive engagement between local authorities and parents on the specific needs of children with additional support needs.”

Govan Law Centre said that the tribunal is working well and the “expertise of the Tribunal is invaluable in terms of determining decisions in relation to children and young people with additional support needs.”

The ASN Tribunal’s submission said that “one area in which there is a barrier to accessing a remedy is in the definition of, and knowledge around, a [co-ordinated support plan]”. The ASN Tribunal can provide remedies around the development of CSPs. It suggested that the statutory criteria for CSPs should be relaxed.

Other remedies

Aberlour said that, in its experience, parents’ awareness of the legal remedies is low. It said “in most cases families are unaware of their child’s rights regarding their learning and education and what steps to take to challenge decisions by schools or local authorities which they may disagree with”. One individual respondent stated—

> “I’ve worked in ASN for over 10 years. I’ve never known a parent to exercise these rights. I have a feeling few will even know if is their right. Our parents have to fight every inch of the way for the most basic support. We are pushing already vulnerable families to the point of break down because they have to fight for diagnosis, fight for a place, fight for OT, speech, family support etc.”

Scottish Autism’s submission stated—

> "Our advice line receives regular contact from parents who are exhausted and burnt out because they are continually fighting against barriers within the system. Fore example, parents will attend multi-agency meetings where they are surrounded by professionals and can feel intimidated and ignored. While the right to have a supporter or an advocacy worker exists in legislation, many advocacy services are significantly oversubscribed and under-resourced."

The SPSO's submission said that the 2004 Act "aimed to provide user friendly and straightforward routes" for dispute resolution and remedies. It continued—

> "It is not clear to us, however, that the multiple processes, have met their aims. Although the processes in place for ASL mean that SPSO should not be seeing ASL issues coming through the mainstream complaints process, over the years we have been contacted by parents who have not been provided with the information they need about the options available to them when they wish to either challenge decisions or are struggling to access support."

The Commissioner's submission said that it has heard evidence that "parents with the most resource who can make use of the [redress] system" and this contrasts with the data which shows that "pupils who experience social deprivation have a greater likelihood of being identified as having an additional support need".
Moray Council's submission stated—

> "There is often a perception that statutory remedies are the default position rather than following due process through staged intervention. Places like Govan Law Centre often have the unintended consequence of undermining relationships to the benefit of the young people. Sometimes the processes can cause conflict. The Tribunal system does not appear to be balanced as there would appear to be a bias towards parents/carers rather than LA and encourages confrontational approach rather than resolution. Due to the availability of the processes, reduced officer capacity is often diverted to conflict resolution rather than proactive support. However we do recognise the need for processes in some instances."

Govan Law Centre run the Scottish Government funded advocacy service, Let's Talk ASN. It said that "from our caseload that awareness of the service across the country is high". GLC also said that it "strongly advises" parents to take up mediation and that mediation often leads to evidential hearings being avoided. The ASN Tribunal noted that mediation is common during its proceedings and "cases are regularly suspended to allow mediation to take place."

Enquire is the national advice service for additional support for learning. It made a number of "key point" around remedies and dispute resolution. These were—

- Some of the current routes are complex and inaccessible to young people, parents, and carers in distress.
- Many routes require digital literacy skills and access to a computer.
- There is a disparity in the availability of advocacy and support services in navigating different types of disputes resolution.
- There are very few advocacy and support services in Scotland for parents and

carers of children with additional support needs who could provide input that may help avoid the need to use any formal dispute resolution processes.

- There is variability across local authorities in access to mediation services. Several local authorities do not commission a specific mediation service, and some of these therefore require parents to directly contact the local authority (whom they often in conflict with) to request independent mediation. This can create a significant additional barrier in some situations, and results in some parents/carers questioning the independence of the process.
- It would also be beneficial to simplify the process for those requesting independent adjudication. Our experience is that there are steps (such as parents needing to name the specific section of the ASL Act where they feel there has been a failure) required for this process that are not required to access other forms of dispute resolution such as mediation. This can be an additional and unnecessary barrier to their use. Independent adjudication is a potentially beneficial process that is very rarely used at present. We would hope that changes could be made to the process that might make it significantly more accessible.

Ned Sharratt
SPICe Research